



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 08 2001

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steve Ritchie, President  
Ritchie Engineering Company, Inc.  
10950 Hampshire Avenue South  
Bloomington, Minnesota 55438-2623

Re: Finding of Violation  
Ritchie Engineering  
Company, Inc.  
Bloomington, Minnesota

Dear Mr. Ritchie:

The enclosed Finding of Violation (FOV) is issued this date to notify Ritchie Engineering Company, Inc. (Ritchie) that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds, pursuant to Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3), that Ritchie, located at 1120 Fuller Drive, Garrett, Indiana, is in violation of Section 608 of the Clean Air Act (CAA), 42 U.S.C. § 7671g; and 40 C.F.R. Part 82, Subpart F. The violations cited in the enclosed FOV are primarily based on the responses to a Request for Information mailed to Ritchie on April 20, 2001. On May 15, 2001, U.S. EPA received Ritchie's response to the Request for Information.

Section 113 of the Act, 42 U.S.C. § 7413, provides the U.S. EPA with several enforcement options. These options include the issuance of an administrative order, the issuance of an administrative penalty order, or the commencement of civil or criminal actions. In addition, Section 120 of the Act, 42 U.S.C. § 7420, provides for the assessment and collection of noncompliance penalties. Section 306 of the Act, 42 U.S.C. § 7606, as implemented by Executive Order 11738 and 40 C.F.R. Part 15, provides that facilities in noncompliance with the Act may become ineligible for Federal contracts, grants and loans. The enforcement options elected may be dependent on, among other things, the length of time required to achieve and demonstrate continuous compliance with the applicable rules cited in the enclosed FOV.

We are offering you an opportunity for a conference to discuss the violations which are the subject of the FOV. The conference will allow you to present information bearing on the specific findings of violation, on the nature of the violation, and on any efforts you have taken to achieve compliance as well as the steps you propose to take to prevent future violations of this nature.

Appropriate technical and management personnel should be available at the conference to meaningfully discuss compliance measures and commitments. You may wish to be represented by counsel at this conference.

The U.S. EPA contact in this matter is Rae Trine. Please contact Rae Trine at (312) 353-9228 to request a conference. Such request should be made as soon as possible, but in no event later than ten (10) calendar days after your receipt of this letter. Any conference must be held within twenty (20) calendar days of your receipt of this letter.

Sincerely yours,



FOR  
Cheryl Newton, Acting Director  
Air and Radiation Division

Enclosure

cc: Ms. Ann Foss, Enforcement Manager  
Minnesota Pollution Control Agency

David McIver, Office of Enforcement  
Indiana Department of Environmental Management



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUN 08 2001**

REPLY TO THE ATTENTION OF:

(AE-17J)

Ms. Ann Foss, Enforcement Manager  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Re: Finding of Violation  
Ritchie Engineering Company, Inc.  
Bloomington, Minnesota

Dear Ms. Foss:

Enclosed is a copy of the Finding of Violation (FOV) issued this date by the United States Environmental Protection Agency (U.S. EPA) to Ritchie Engineering Company, Inc. (Ritchie), Bloomington, Minnesota, for violations of Section 608 of the Clean Air Act (CAA), 42 U.S.C. § 7671g; and implementing regulations at 40 C.F.R. Part 82, Subpart F.

Specifically, Ritchie is in violation of:

1. 40 C.F.R. Part 82.154(c) - "Effective November 15, 1993, no person may manufacture or import recycling or recovery equipment for use during the maintenance, service, or repair of appliances except motor vehicle air conditioners (MVACs), and no person may manufacture or import recycling or recovery equipment for use during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, unless the equipment is certified pursuant to § 82.158(b)(d) or (f), as applicable."
2. 40 C.F.R. Part 82.154(d) - "Effective June 14, 1993, no person shall alter the design of certified refrigerant recycling or recovery equipment in a way that would affect the equipment's ability to meet the certification standards set forth in § 82.158 without resubmitting the altered design for certification testing. Until it is tested and shown to meet the certification standards set forth in § 82.158, equipment so altered will be considered uncertified for the purposes of § 82.158."

3. 40 C.F.R. Part 82.158(a) - "Effective November 15, 1993, all manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, and/or repair of appliances except MVACs and MVAC-like appliances, ... shall have had such equipment certified by an approved equipment testing organization to meet the applicable requirements in paragraph (b) or (d) of this section. All manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, or repair of MVAC-like appliances shall have had such equipment certified pursuant to § 82.36(a)."
4. 40 C.F.R. Part 82.158(h) - "Manufacturers and importers of equipment certified under paragraphs (b) and (d) of this section must place a label on each piece of equipment stating the following:
- This equipment has been certified by [approved equipment testing organization] to meet U.S. EPA's minimum requirements for recycling or recovery equipment intended for use with [appropriate category of appliance]*
- The label shall also show the date of manufacture and the serial number (if applicable) of the equipment. The label shall be affixed in a readily visible or accessible location, be made of a material expected to last the lifetime of the equipment, present required information in a manner so that it is likely to remain legible for the lifetime of the equipment, and be affixed in such a manner that it cannot be removed from the equipment without damage to the label."

Section 113 of the Clean Air Act, 42 U.S.C. § 7413, provides U.S. EPA with several enforcement options including the issuance of an administrative order, an administrative penalty order, or the commencement of a civil or criminal action. It is our hope that this FOV will substantially aid efforts to obtain immediate compliance.

Sincerely yours,

  
Cheryl Newton, Acting Director <sup>FDR</sup>  
Air and Radiation Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Ritchie Engineering Company,	)	<b>FINDING OF VIOLATION</b>
Inc.	)	
Bloomington, Minnesota	)	<b>EPA-5-01-MN-18</b>
	)	
	)	
Proceedings Pursuant to	)	
Section 113 (a)(3) of the	)	
Clean Air Act,	)	
42 U.S.C. § 7413(a)(3)	)	

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**FINDING OF VIOLATION**

Pursuant to Section 113 of the Clean Air Act (Act), 42 U.S.C. § 7413, Ritchie Engineering Company, Inc. (Ritchie) and the State of Minnesota are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds Ritchie, of 10950 Hampshire Avenue South, Bloomington, Minnesota, in violation of Section 608 of the Act, 42 U.S.C. § 7671g, and its implementing regulations set forth at 40 C.F.R. § 82.154 and § 82.158.

**STATUTORY AND REGULATORY BACKGROUND**

1. Section 608(a)(2) of the Act, 42 U.S.C. § 7671g(a)(2), authorizes the U.S. EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of class I and II substances during service, repair, or disposal of appliances and industrial process refrigeration. The Administrator initially promulgated these regulations on May 14, 1993, 58 Fed. Reg. 28712. The Administrator amended the regulations on August 19, 1994, 59 Fed. Reg. 42956; November 9, 1994, 59 Fed. Reg. 55926; August 8, 1995, 60 Fed. Reg. 40440. The regulations were codified at 40 C.F.R. Part 82, Subpart F (§ 82.150 et seq.)
2. 40 C.F.R. § 82.154(c) provides, "Effective November 15, 1993, no person may manufacture or import recycling or recovery equipment for use during the maintenance, service, or repair of appliances except MVACs, and no person may manufacture or import recycling or recovery equipment for

use during the disposal of appliances except small appliances, MVACs, and MVAC-like appliances, unless the equipment is certified pursuant to § 82.158(b)(d) or (f), as applicable."

3. 40 C.F.R. Part 82.154(d) provides, "Effective June 14, 1993, no person shall alter the design of certified refrigerant recycling or recovery equipment in a way that would affect the equipment's ability to meet the certification standards set forth in § 82.158 without resubmitting the altered design for certification testing. Until it is tested and shown to meet the certification standards set forth in § 82.158, equipment so altered will be considered uncertified for the purposes of § 82.158."
4. 40 C.F.R. Part 82.158(a) provides, "Effective November 15, 1993, all manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, and/or repair of appliances except MVACs and MVAC-like appliances, ... shall have had such equipment certified by an approved equipment testing organization to meet the applicable requirements in paragraph (b) or (d) of this section. All manufacturers and importers of recycling and recovery equipment intended for use during the maintenance, service, or repair of MVAC-like appliances shall have had such equipment certified pursuant to § 82.36(a)."
5. 40 C.F.R. Part 82.158(h) provides, "manufacturers and importers of equipment certified under paragraphs (b) and (d) of this section must place a label on each piece of equipment stating the following:  

*This equipment has been certified by [approved equipment testing organization] to meet U.S. EPA's minimum requirements for recycling or recovery equipment intended for use with [appropriate category of appliance]*

The label shall also show the date of manufacture and the serial number (if applicable) of the equipment. The label shall be affixed in a readily visible or accessible location, be made of a material expected to last the lifetime of the equipment, present required information in a manner so that it is likely to remain legible for the lifetime of the equipment, and be affixed in such a manner that it cannot be removed from the equipment without damage to the label."
6. 40 C.F.R. § 82.152 defines "approved equipment testing organization" as any organization which has applied for and

received approval from the Administrator pursuant to § 82.160.

7. 40 C.F.R. § 82.152 defines "certified refrigerant recovery or recycling equipment" as any equipment certified by an approved equipment testing organization to meet the standards in § 82.158(b) or (d), equipment certified pursuant to § 82.36(a), or equipment manufactured before November 15, 1993, that meets the standards in § 82.158(c), (e) or (g).
8. 40 C.F.R. § 82.152 defines "person" as any individual or legal entity, including an individual, corporation, partnership, association, state, municipality, political subdivision of a state, Indian tribe, and any agency, department, or instrumentality of the United States, and any officer, agent, or employee thereof.
9. 40 C.F.R. § 82.152 defines "self-contained recovery equipment" as any refrigerant recovery or recycling equipment that is capable of removing the refrigerant from an appliance without the assistance of components contained in the appliance.

#### Statement of Facts

10. Ritchie is a corporation, and is, therefore, a "person" as defined in 40 C.F.R. § 82.152. Ritchie's corporate headquarters are located at 10950 Hampshire Avenue South Minneapolis, Minnesota 55438-2306. Ritchie's manufacturing facility is located at 1120 Fuller Drive, Garrett, Indiana.
11. Ritchie has been manufacturing refrigerant recovery and recycling equipment at its Garrett, Indiana facility since 1998. Section 608(a)(2) of the Act, 42 U.S.C. § 7671g, authorizes the U.S. EPA to promulgate regulations establishing standards regarding recycling and recovery equipment, including the equipment manufactured by Ritchie.
12. Ritchie manufactures the following lines of recycling and recovery equipment, among others: Refrigerant Recovery System Models R50a, R53a, R62a, R70a, R72a, and R73a. Each of these models of equipment is subject to the regulations at 40 C.F.R. Part 82, Subpart F.
13. On April 20, 2001, U.S. EPA mailed a Request for Information to Ritchie requesting information on the various refrigerant

recovery equipment models manufactured by Ritchie, including information on the certification and labeling of each model.

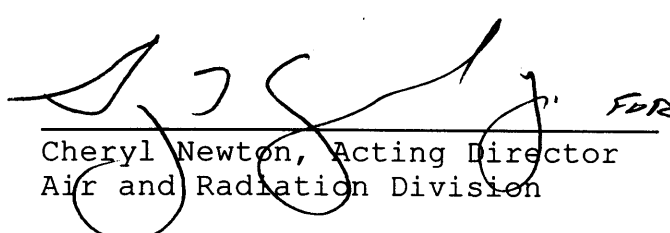
14. U.S. EPA received Ritchie's response to the Request for Information on May 15, 2001.

Findings of Violation

15. EPA requested information demonstrating that each model manufactured by Ritchie was certified in accordance with 40 C.F.R. Part 82.154(c), 40 C.F.R. Part 82.154(d) and 40 C.F.R. Part 82.158(a). Based on the information provided by Ritchie, the following models manufactured by Ritchie have not been certified by an approved equipment testing organization in accordance with 40 C.F.R. Part 82.158(a), 40 C.F.R. Part 82.154(d) and 40 C.F.R. Part 82.158(a): R50a, R53a, R62a, R70a, R72a, and R73a.
16. EPA requested information demonstrating that each model manufactured by Ritchie was labeled in accordance with 40 C.F.R. Part 82.158(h). Based on the information provided by Ritchie, the following models are not labeled as required by 40 C.F.R. Part 82.158(h): R30a, R50, R53a, R62a, R72a, and R73a.

WHEREFORE, the Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies Ritchie and the State of Minnesota that Ritchie is in violation of the Clean Air Act and implementing regulations as set forth above.

6/8/01  
Date

  
Cheryl Newton, Acting Director  
Air and Radiation Division

cc: Ms. Ann Foss, Enforcement Manager  
Minnesota Pollution Control Agency

David McIver, Office of Enforcement  
Indiana Department of Environmental Management



**CERTIFICATE OF MAILING**

I, Loretta Shaffer, do hereby certify that a Finding of Violation pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Steve Ritchie, President  
Ritchie Engineering Company, Inc.  
10950 Hampshire Avenue South  
Bloomington, Minnesota 55438-2623

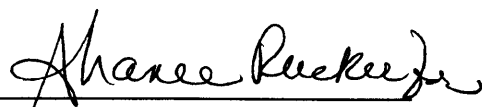
also certify that copies of the Finding of Violation pursuant to the Clean Air Act was sent by first class mail to:

Ms. Ann Foss, Enforcement Manager  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Mr. Roger Anderson  
Attorney at Law  
Firststar Center, Suite 2300  
101 East Fifth Street  
St. Paul, Minnesota 55101

Mr. David McIver, Office of Enforcement  
Indiana Department of Environmental  
Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46209-9932

on the 11<sup>th</sup> day of June, 2001.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 95812557